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April 27, 2004

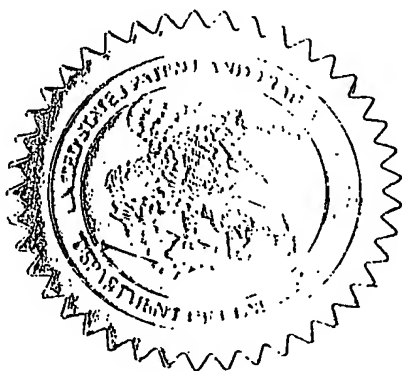
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APPLICATION NUMBER: 10/373,109

FILING DATE: February 26, 2003

RELATED PCT APPLICATION NUMBER: PCT/US04/04622

By Authority of the  
COMMISSIONER OF PATENTS AND TRADEMARKS



*M. Sias*  
M. SIAS  
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## UTILITY PATENT APPLICATION

Attorney Docket No. 146881.00000

## TRANSMITTAL

Date February 26, 2003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a patent application for

## METHOD FOR PREPARING FOOD ARTICLE

identified by attorney docket no. (see above).

## 1. Type of Application

☒ This application is a new (non-continuing) application.

☐ This application is a ☐ continuation / ☐ divisional / ☐ continuation-in-part of prior application No. . Amend the specification by inserting before the first line the sentence:

--This is a [continuation/division/continuation-in-part] of United States patent application No. , filed .--

☐ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

If for some reason applicant has not requested a sufficient extension of time in the parent application, and/or has not paid a sufficient fee for any necessary response in the parent application and/or for the extension of time necessary to prevent the abandonment of the parent application prior to the filing of this application, please consider this as a Request for an Extension for the required time period and/or authorization to charge our Deposit Account No. 50-1682 for any fee that may be due. THIS FORM IS BEING FILED IN TRIPLICATE: one copy for this application; one copy for use in connection with the Deposit Account (if applicable); and one copy for the above-mentioned parent application (if any extension of time is necessary).

## 2. Contents of Application

a. 9 page patent application (including specification, claims and abstract)

☐ A microfiche computer program (Appendix);  
☐ A nucleotide and/or amino acid sequence submission;

☐ Because the enclosed application is in a non-English language, a verified English translation ☐ is enclosed ☐ will be filed.

☐ Cancel original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing date purposes.)

b. ☒ Drawings on 1 sheet(s).

Date February 26, 2003

- c. ☒ A signed Declaration ☒ is enclosed / ☐ will be filed in accordance with 37 C.F.R. § 1.53(f).

The enclosed Declaration is ☒ newly executed / ☐ a copy from a prior application under 37 C.F.R. § 1.63(d) / ☐ accompanied by a statement requesting the deletion of person(s) not inventors in the continuing application.

d. Fees

FILING FEE	Number	Number	Basic Fee
CALCULATION	Filed	Extra	Rate
Total Claims	12 - 20 =	0	x \$18.00 = 0.00
Independent Claims	2 - 3 =	0	x \$80.00 = 0.00
Multiple Dependent Claim(s) Used.....			\$270.00 = 0.00
FILING FEE - NON-SMALL ENTITY.....			\$0.00
<input checked="" type="checkbox"/> Applicant claims small entity status.			
Filing Fee - Small Entity (Reduced by 1/2).....			375.00
Assignment Recordal Fee (\$40.00).....			\$00
37 C.F.R. § 1.17(k) Fee (non-English application).....			0.00
<b>TOTAL</b> .....			<b>\$375.00</b>

- ☐ A check is enclosed to cover the calculated fees. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-1682. A duplicate copy of this document is enclosed.
- ☐ The calculated fees will be paid within the time allotted for completion of the filing requirements.
- ☒ The calculated fees are to be charged to Deposit Account No. 50-1682. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to said Deposit Account. A duplicate copy of this document is enclosed.

3. Priority Information

- ☐ **Foreign Priority:** Priority based on Taiwan Application No. , filed , is claimed.
- ☐ A copy of the above referenced priority document ☐ is enclosed / ☐ will be filed in due course, pursuant to 35 U.S.C. § 119(a)-(d).
- ☐ **Provisional Application Priority:** Priority based on United States Provisional Application No. , filed , is claimed under 35 U.S.C. § 119(e).

☐ A Preliminary Amendment is enclosed.

☐ An Information Disclosure Statement, cited references are enclosed. sheets of PTO Form 1449, and copies of

☒ A power of attorney

☒ is submitted ☒ with the new Declaration.

☐ is of record in the prior application and ☐ is in the original papers / ☐ a copy is enclosed.

☐ An Assignment of the invention

☐ is enclosed with a cover sheet pursuant to 37 C.F.R. §§ 3.11, 3.28 and 3.31.

☐ is of record in a prior application. The assignment is to , and is recorded at Reel , Frame(s) .

☐ An Establishment of Assignee's Right To Prosecute Application Under 37 C.F.R. § 3.73(b), and Power Of Attorney is enclosed.

☐ An Express Mailing Certificate is enclosed.

☒ Other: acknowledgement postcard

**POWELL, GOLDSTEIN, FRAZER & MURPHY LLP**  
**P.O. BOX 97233**  
**WASHINGTON, D.C. 20090-7223**

Respectfully,

Thomas T. Moga  
Reg. No. 34,881

**METHOD FOR PREPARING FOOD ARTICLE**

5

**TECHNICAL FIELD**

The present invention relates to a method for preparing a food article in the form of a taco-style snack. More particularly, the present invention relates to a taco-style snack having two spaced-apart chips having a meat filling therebetween.

10

**DISCUSSION**

Some time ago edible chips established themselves as a highly desirable snack food for between-meal consumption. Chips offer the convenience of being ready-to-eat and readily storable.

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On the other hand, the use of meat and meat products is primarily known for consumption during main courses. Traditionally, meat and meat products, when served at all, are served either as a main dish or as a part of a sandwich or similar food combination. In some cases the meat or meat product may be combined with other components.

20

A variety of patents relate to food processing in this area. These include United States Patent Nos. 3,512,993, 3,642,496, 3,865,955, and 6,083,554.

25

Each of these patents discloses an advancement in the use of a meat or a meat product in combination with another food to form a

combined product. However, room is still available in the art for additional improvements in the form of a food article which includes meat or a meat product in a convenient, ready-to-eat form.

5

### **SUMMARY OF THE INVENTION**

The present invention is directed to the preparation of meat products and a chip in a convenient and ready-to-eat form, and in a manner that is intended at preserving the meat flavor once part of the chip. The present invention provides an edible chip arrangement or similar foodstuff which includes a grain product such as wheat, rice, or corn, as well as a meat product sandwiched between at least two chips. The meat product can be a variety of types of meats, including, for example, pepperoni and beef jerky.

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Other objects and features of the present invention will become apparent as the description proceeds.

15

### **BRIEF DESCRIPTION OF THE DRAWING**

The present invention will be more fully understood by reference to the following detailed description of the preferred embodiments of the present invention when read in conjunction with the accompanying drawing, in which FIG 1 is a flow diagram illustrating how the edible chip of the present invention may be prepared.

20

**DETAILED DESCRIPTION OF  
THE PREFERRED EMBODIMENTS**

The drawing discloses the preferred embodiment for the production of the present edible chip invention. While the method of preparation according to the illustrated embodiment is preferred, it is envisioned that alternate methods of preparation of the present edible snack invention may be adopted without deviating from the invention as portrayed. The invention is best described by way of a specific example in which meat is used in the production of the snack.

At step 10, the first component, a squared or rounded corn chip (or another grain chip) of a thickness of between about 0.1 cm and 0.5 cm, is provided. The size of the chip, if square, is approximately 2.0 cm to 4.0 cm on all sides. Two chips – an “upper” chip and a “lower” chip - are used. The chips may be flavored as desired.

At step 20, a second component, between approximately 0.1 and 10. grams of soft jerky, is provided and is layered onto one of the two chips, this amount being enough to lay or spread across the corn chip. (A thin slice of jerky is about the thickness of a dime.) The jerky cannot be a thick bulky piece and should be along the lines of slice of meat on a sandwich. The jerky can be a processed beef spread or meat by-product, like turkey, chicken, or seafood. Whatever the choice, the meat must be soft enough to be able to be readily chewed.

At step 30, a third component, between approximately 0.1 and 10.0 grams of soft flavored cheese, is provided and is spread across the layer of meat. Different flavors and styles of cheese spread may be used, such as spicy, regular taco flavor, salsa and the like. Optionally,  
5 step 30 may be overlooked.

At step 40, the second chip is placed over the cheese-covered meat to form a sandwich-like cracker snack. The assembly is then pressed together so as not to fall apart. (Along these lines, and as a variation of the process described, the cheese layer may be placed on  
10 both sides of the meat layer.)

At step 50, the assembled snack is placed with other assembled snacks into a package, such as a double-stacked grouping wrapped in a clear plastic.

In addition to the above basic components, additional  
15 components may be included in the production of this food product according to the present invention. For example, and without limitation, flavorings such as cheeses and spices may be added as required for taste. In addition, and also without limitation, preservatives such as BHA, BHT, propyl gallate, and/or monoglyceride citrate may be added  
20 as required to preserve freshness. Colorings may also be added as required.

#### EXAMPLE



According to an example of the present method, the following amounts of individual components were used to prepare a batch of the chip according to the present invention:

**A. Chip**

- 5       Ground grain meal: 350 ml  
      Salt: 10 ml  
      Water: 290 ml  
      Shortening: 10 ml

10       **B. Jerky**

      25.0 g

**C. Cheese**

      35.0 g

- 15       The method of the Example preparation is set forth above.

      Those skilled in the art can now appreciate from the foregoing description that the broad teachings of the present invention can be implemented in a variety of forms. Therefore, while this invention has been described in connection with particular examples thereof, the true scope of the invention should not be so limited since other  
20       modifications will become apparent to the skilled practitioner upon a study of the drawings and the specification.

What is claimed is:

1. A method of making a food product comprising the steps of:

(1) preparing a quantity of chips to form a first component by

5 selecting an amount of grain product, an amount of salt, an amount of water, and an amount of a shortening, thereafter heating said shortening, and combining all of said grain product, said salt, said water, and said shortening to form a mixture, followed manipulating said mixture into plural pieces of selected shapes by first forming a ball then flattening said  
10 ball into a disc which is subsequently cut into the desired shapes for the chips;

(2) jerking a quantity of meat to form a second component;

(3) applying said quantity of jerked meat to a first chip;

15 (4) placing a second chip on top of said jerked meat.

2. The method of Claim 1 further including the step of applying a selected amount of a cheese between said quantity of jerked meat and said second chip.

20

3. The method of Claim 1 in which said quantity of jerked meat is between 0.1g and 10.0 g.

4. The method of Claim 2 in which said selected amount of cheese  
is between 0.1 g and 10.0 g.
- 5 5. The method of Claim 1 in which said grain product is corn.
6. The method of Claim 1 in which said meat is beef.
7. The method of Claim 1 in which said shortening is vegetable  
10 shortening.
8. The method of Claim 1 in which said chips are between 0.1 cm  
and 0.5 cm thick and are between 2.0 cm and 4.0 cm wide.

9. A method of making a food product comprising the steps of:

(1) providing a pair of chips having a thickness of between 0.1 cm and 0.5 cm and a width of between 2.0 cm and 4.0 cm;

5 (2) providing a meat component in the amount of between 0.1 g and 10.0 g and placing said meat component on one of said pair of chips;

(3) providing a cheese component in the amount of between 0.1 g and 10. G and placing said cheese component on top of said meat component; and

10

(4) placing the other of said pair of chips on said cheese component.

10. The method of Claim 9 wherein said pair of chips are corn chips.

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11. The method of Claim 9 wherein said meat component is a jerked meat.

12. The method of Claim 11 wherein said jerked meat is beef.

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**ABSTRACT**

A method for preparing meat products and a chip in a convenient and ready-to-eat form in a manner that is intended at preserving the meat flavor once part of the chip. The present invention provides an edible chip arrangement or similar foodstuff which includes a grain product such as wheat, rice, or corn, as well as a meat product sandwiched between at least two chips. The meat product can be a variety of types of meats, including, for example, pepperoni and beef jerky.

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### METHOD FOR PREPARING FOOD ARTICLE

The specification of which (check one)

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

			<u>Priority Claim</u>	
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
(Number)	(Country)	(Day/Month/Year filed)	Yes	No
(Number)	(Country)	(Day/Month/Year filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 119(c) of any United States Provisional application(s) listed below:

### PRIOR PROVISIONAL APPLICATIONS

60/359,311	02/26/2002
(application serial number)	(Month / Day / Year filed)
	(Month / Day / Year filed)

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status – patented, pending, abandoned

**DECLARATION AND POWER OF ATTORNEY**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Thomas T. Moga, Reg. No. 34,881, and each principal, attorney of counsel, associate and employee of Powell, Goldstein, Frazer & Murphy, LLP, who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Powell, Goldstein, Frazer & Murphy, LLP, P.O. Box 97223, Washington, D.C. 20090-7223, (202) 347-0060.

Full name of sole or first inventor: Roy Parker

Inventor's signature: [Signature]

Date: 2/26/03

Residence: 24448 VALENCIA DRIVE, APARTMENT 8314, VALENCIA, CA 91356

Citizenship: USA

Post Office Address: Same as residence

Full name of second joint inventor, if any: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of third joint inventor, if any: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of fourth joint inventor, if any: \_\_\_\_\_

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: \_\_\_\_\_

Citizenship: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Full name of fifth joint inventor, if any: \_\_\_\_\_

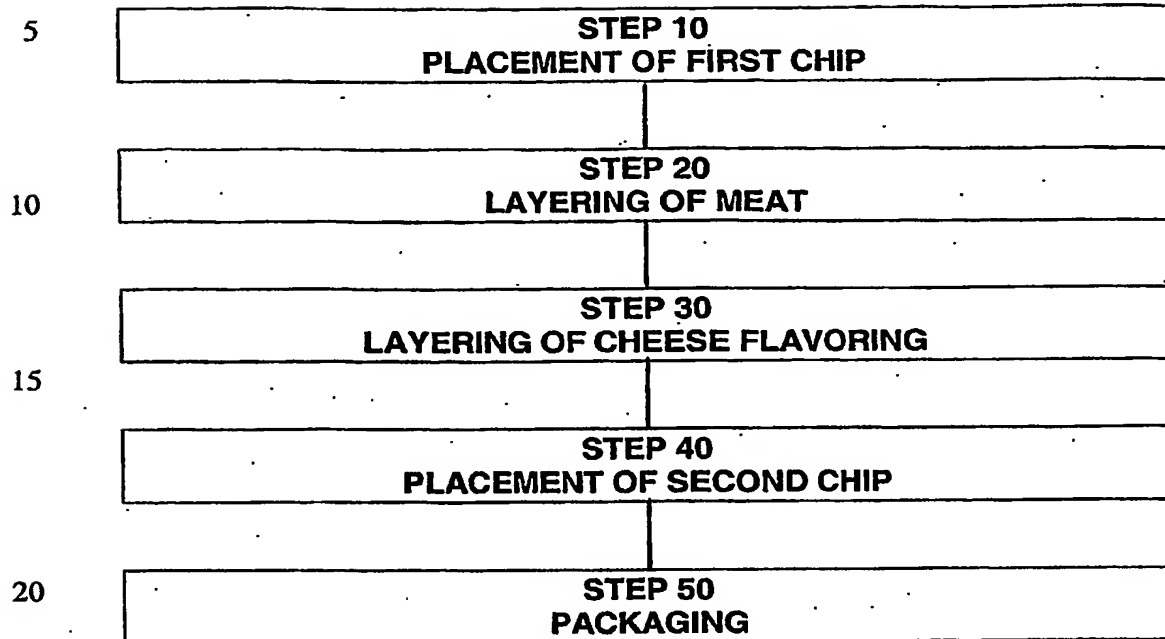
Inventor's signature: \_\_\_\_\_

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**FIGURE 1**



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